IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5058 OF 2005

Mohamad Ibrahim .. Petitioner
V/s
Union of India & Ors. .. Respondents.

Mr.C.Harishankar, Sr.Counsel with Mr.S.N.Kantawala i/by Mr. Yogesh Rohira for the Petitioner.

Mr.H.V.Mehta with Mr.Kiran Kandpile for the Respondents.

CORAM: DR.S.RADHAKRISHNAN &
J.H.BHATIA, JJ.

DATE : 10/08/2005.

P.C.:

1. Rule. Rule is made returnable forthwith. The learned Counsel for the Respondents waives service. By consent taken up for hearing. Heard the learned Counsel for the parties.

2. In this matter, the grievance of the Petitioner is that the Settlement Commission has directed the Petitioner to pay a sum of Rs.3,50,000/- by way of redemption fine. It is the contention of the learned Counsel for the Petitioner that the Petitioner was not heard at all by the Settlement Commission on the issue of redemption fine, and only on this limited ground the Petitioner seeks remand of the matter back to the Settlement Commission. Mr.Mehta, the learned Counsel for the Respondents does not dispute that the Petitioner ought to have been given a personal hearing by the Settlement Commission on the issue of the redemption fine.

3. Under these circumstances, by consent of both the learned Counsel, we remand the matter back to the Settlement Commission only for the limited purpose of giving personal hearing to the Petitioner on the issue of redemption fine. The Settlement Commission shall afford an opportunity of personal hearing to the Petitioner on the aforesaid issue of redemption fine, and shall dispose of the matter thereafter, as early as possible. It is made clear that the contentions of both the parties are kept expressly open.

4. Writ Petition stands disposed of in the above terms.

(DR.S.RADHAKRISHNAN J.)

(J.H.BHATIA J.)